UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,607	04/05/2001	Sanjay Pujare	OMNI0005	4038

22918 7590 06/19/2006	**EXAMINER**	
PERKINS COIE LLP	SHIN, KYUNG H	
P.O. BOX 2168		
MENLO PARK, CA 94026	**ART UNIT**	**PAPER NUMBER**
	2143	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/826,607	PUJARE ET AL.
	Examiner	Art Unit	
	Kyung H. Shin	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responding to application amended 3/29/2006.

2.   Claims **1 - 52** are pending. Claims **1, 14, 27, 40** are amended. Independent claims

are **1, 14, 27, 40**.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-52 have been considered but are

moot in view of the new ground(s) of rejection.

Response to Remarks

3.1   The examiner has considered the applicant's remarks concerning *"conventionally*

coded application", *" ... streamed applications ... "*, and *" ... registry redirection of*

parameter information ... ".

After an additional analysis of the applicant's invention, remarks, and a

search of the available prior art, it was determined that the current set of prior art

consisting of Eylon (6,574,618), Kumar (6,343,287), Schmeidler (6,374,402) and

Cheng (6,457,076) discloses the applicant's invention including disclosures in

Remarks dated February 28, 2006.

3.2   Applicant argues that the referenced prior art does not disclose *" ... providing*

installation monitoring means conventionally coded application program ... " (see

Remarks Page 14, Lines 10-12) ; " ... monitoring an installation process of a

conventionally coded application ... " (see Remarks Page 14, Lines 15-16)

Eylon (6,374,402) prior art discloses the execution of application program(s).

(see Eylon col. 3, lines 42-47) No mention is disclosed that the applications are

not conventionally coded applications . No mention is disclosed that there is any

recompilation or reconfiguration of application(s) to prepare them for streamed

delivery. Remarks dated February 28, 2006 state that the application is

converted " ... *into a data set suitable for streamed delivery ... "* This statement

discloses a capability to prepare an application for delivery in a streamed format.

Eylon discloses the capability to format an application for streamed delivery, which

is analogous to the applicant's invention. (see Eylon col. 5, lines 53-64)

Registry configuration parameters must be setup and installed (i.e. some

form of an installation) on a client system in order to execute even a streamed

application. Eylon discloses execution of a streamed application on a client

system. In addition, Eylon discloses the capability to monitor application

installation and processing. (see Eylon col. 8, lines 49-53)

3.3 Applicant argues that the referenced prior art does not disclose " ... *redirecting*

registry information thereby creating a registry spoof capability ... " (see Remarks

Page 15, Line 29)

Eylon discloses the capability to process an application transfer utilizing a

streamed delivery mechanism. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56)

Eylon and Schmeidler (6,374,402) combination discloses the capability to redirect

(i.e. spoof, deceive) registry information during the installation processing. By definition, "to spoof" *simulates a communications protocol (i.e. update registry information concerning application installation) by a program that is interjected into a normal sequence of processes (i.e. to client, spoof appears as a normal installation of application and is transparent to client) for the purpose of adding some useful function.* (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46: manipulation of registry information (i.e. redirect, spoof) during installation process)

3.4   Applicant argues that the referenced prior art does not disclose " ... *parameterizing the system registry modifications ...* " *(see Remarks Page 15, Line 10)*

   Eylon discloses the streamed delivery of an application (i.e. conventionally coded application) between network connected systems. (see Eylon col. 5, lines 45-50)   Eylon and Schmeidler combination discloses the concept of registry information containing configuration data for an application. (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46)   Eylon, Schmeidler, and Kumar (6,343,287) combination discloses the capability to parameterized system registry configuration information including modifications and the streaming of parameterized configuration data between system. (see Kumar col. 1, lines 57-61; col. 1, lines 17-20: application configuration information; col. 16, lines 22-28; col. 16, lines 31-34; col. 21, lines 36-38: parameterized configuration data)

3.5 Applicant argues that the referenced prior art does not disclose " ... *providing a*

user interface that allows an operator to examine all changes made to said local

computer system ... " *(see remarks Page 15, Lines 23-24)*

Eylon discloses a user interface for monitor and management application

installation. (see Eylon col. 8, lines 49-53: application manager, monitor and

management of installation process) Eylon and Cheng combination discloses a

user interface that allows an operator to examine all changes made to said local

computer system during said installation process and to edit said modification

information. (see Cheng col. 9, lines 32-42: where GUI to examine installation

data)

Claim Rejections - 35 USC § 103

4. **Claims 1 - 6, 8 - 19, 21 - 32, 34 - 45, 47 - 52** are rejected under 35 U.S.C. 103(a)

as being unpatentable over **Eylon et al.** (US Patent No. 6,574,618) in view of **Kumar et**

al. (US Patent No. 6,343,287) and further in view of **Schmeidler et al.** (US Patent No.

6,374,402).

Regarding Claims 1, 14, 27, 40, Eylon discloses a process, apparatus, method for

converting a conventionally coded computer application program into a data set suitable

for streamed delivery across a network from a server and concurrent execution on a

client in a computer environment, comprising the steps of:

a) providing installation monitoring means for monitoring an installation process of

said conventionally coded application program on a local computer system; (see

Eylon col. 3, lines 45-50: server; col. 3, lines 52-56; col. 4, lines 51-56: streamed

application ; col. 8, lines 49-53: monitor and management, streamed application

installation on local system)

Eylon discloses wherein said installation monitoring means gathers modification

information (see Eylon col. 8, lines 49-53: application manager monitors installation

process; col. 7, lines 52-55: database for storage of gathered information), and

providing data set creation means for processing said modification information for

converting said application program into a data set suitable for streaming bits of said

data set over said network to said client (see Eylon col. 3, lines 52-56; col. 4, lines 51-

56: streamed application) such that said application program is capable of beginning

execution on said client prior to downloading all of said application program (see Eylon

col. 3, lines 52-56: initiate execution after fraction of application loaded(i.e. before entire

application downloaded))

Eylon does not specifically disclose the capability of redirecting registry information

thereby creating a registry spoofer capability or the capability for the parameterization of

configuration data. However, Schmeidler discloses:

b) wherein including system registry modifications that said installation process makes

to certain file paths in a system registry of said local computer system; (see

Schmeidler col. 4, lines 43-46; col. 4, lines 54-59; col. 11, lines 44-46: manipulation

of registry information during installation process)

d) deceiving said client into allowing streaming bits of said data set (see Schmeidler

   col. 4, lines 43-46; col. 4, lines 54-59: redirection of registry installation information

   (i.e. client, registry spoofer))

   And, Kumar and Schmeidler disclose:

c) <u>parameterizing said registry modifications</u> by replacing certain of said file paths in

   said system registry modifications <u>with parameters that are recognizable by said</u>

   <u>client</u> (see Kumar col. 1, lines 57-61; col. 1, lines 17-20: application configuration

   information; col. 16, lines 22-28; col. 16, lines 31-34; col. 21, lines 36-38:

   parameterized configuration data) to re-direct requests for reading said system

   registry to a registry spoofer; (see Schmeidler col. 4, lines 43-46; col. 4, lines 54-59:

   redirection of registry installation information (i.e. client, registry spoofer)) and

   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Eylon to utilize parameterized configuration data for

system installations and updates as taught by Kumar, and to enable redirection of

registry entry information retrieval for redirection processing as taught by Schmeidler.

One of ordinary skill in the art would be motivated to employ Kumar in order to optimize

the dynamic configuration process at runtime for a network system (see Kumar col. 1,

lines 49-52: " ... *As computing power continues to become less expensive, clients tend*

to process and store their own data, using the server primarily as a file server for

sharing data with other client computers ... " ; col. 5, lines 4-7: " ... *What is needed is a*

service architecture that provides directory integration together with an ability to add

links to new external data store mechanisms specified at runtime. ... "), and to employ

Schmeidler in order to enable the capability for security and preventing unauthorized use of executable software within a network environment (see Schmeidler col. 2, lines 15-22: " ... *method and system for on-demand delivery of executable software content ... method and system to deliver content to subscriber's in an on-demand basis which provides security to protect the value of the content and which prevents unauthorized use and copying thereof ...* ").

Regarding Claims 2, 15, 28, 41, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said data set creation means creates a runtime data set, said runtime data set consists of all regular application files and directories containing information about said regular application files. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56: streamed application; col. 4, lines 42-50; col. 5, lines 53-64; col. 9, lines 46-49: initialization information setup)

Regarding Claims 3, 16, 29, 42, Eylon discloses the process, apparatus, method of claims 2, 15, 28, 41, wherein said data set creation means creates an initialization data set that is the first set of data streamed from said server to said client, said initialization data set prepares said client for streaming of said runtime data set. (see Eylon col. 3, lines 52-56; col. 4, lines 51-56: streamed application; col. 4, lines 42-50; col. 5, lines 53-64; col. 9, lines 46-49: initialization information setup)

Regarding Claims 4, 17, 30, 43, Eylon discloses the process, apparatus, method of

claims 2, 15, 28, 41, wherein said directories contain lists of file names, file numbers, and the metadata associated with the files in a particular directory. (see Eylon col. 9, lines 46-49: file information (i.e. file numbers, list of files), directories, environment setting data (i.e. metadata) concerning installation)

Regarding Claims 5, 18, 31, 44, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said data set creation means creates a versioning table that contains a list of root file numbers and version numbers for tracking application patches and upgrades, and wherein each entry in said versioning table corresponds to one patch level of an application with a corresponding new root directory. (see Eylon col. 4, lines 57-62; col. 14, lines 14-16; col. 2, lines 26-33: versioning information (i.e. versioning table, specific patch level) manipulated during installation)

Regarding Claims 6, 19, 32, 45, Eylon discloses the process, apparatus, method of claims 5, 18, 31, 44, wherein said versioning table is sent to said client by said server, said client compares said versioning table with said client's root file number for the particular application program to find the necessary files required for a software upgrade or patch. (see Eylon col. 14, lines 14-16: version control techniques; col. 9, lines 29-34; col. 9, lines 38-46: initialization (i.e. version control) information sent from server to client, application manager initiated to check application specific information)

Regarding Claims 8, 21, 34, 47, Eylon discloses the process, apparatus, method of

claims 1, 14, 27, 40, wherein said installation monitoring means monitors said

application program as it runs (see Eylon col. 8, lines 49-53: application manager

monitors installation process) and is being configured for a particular working

environment on said local computer system and records common configurations of said

application program thereby allowing said common configurations to be automatically

duplicated on other client machines. (see Eylon col. 7, lines 52-55: database to record

application configuration data and installation file information stored such that setup can

be duplicated on multiple machines)

Regarding Claims 9, 22, 35, 48, Eylon discloses the process, apparatus, method of

claims 1, 14, 27, 40, further comprising the step of: program profiling means for

capturing the sequence of file blocks being accessed during normal execution of said

application program. (see Eylon col. 4, lines 37-42: application program profile

information for later optimization of processing)

Regarding Claims 10, 23, 36, 49, Eylon discloses the process, apparatus, method of

claims 9, 22, 35, 48, wherein said sequence of file blocks is used to pre-cache

frequently used blocks on said client before said application program is first used by a

user. (see Eylon col. 4, lines 42-50: cache utilized)

Regarding Claims 11, 24, 37, 50, Eylon discloses the process, apparatus, method of

claims 9, 22, 35, 48, wherein said sequence of file blocks is used to optimize large

directories of files on said client for faster file accesses. (see Eylon col. 3, lines 52-56: pre-load data to optimize file access)

Regarding Claims 12, 25, 38, 51, Eylon discloses the process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is tied to specific user input and wherein said client pre-fetches file blocks based on user input to said application program. (see Eylon col. 5, line 65 - col. 6, line 3:　pre-loads file blocks)

Regarding Claims 13, 26, 39, 52, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said installation monitoring means records a state of said local computer system before said installation process begins to give a more accurate picture of any modifications that are observed by said installation monitoring means. (see Eylon col. 7, lines 52-55: database for application configuration data, installation file information stored such that setup can be duplicated on multiple machines)

5.　**Claims 7, 20, 33, 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eylon-Kumar-Schmeidler** and further in view of **Cheng et al.** (US Patent No. 6,457,076).

Regarding Claims 7, 20, 33, 46, Eylon discloses a user interface for monitor and management application installation. (see Eylon col. 8, lines 49-53: application manager, monitor and management of installation process) In addition, Cheng

discloses the process, apparatus, method of claims 1, 14, 27, 40, further comprising the step of: providing a user interface that allows an operator to examine all changes made to said local computer system during said installation process and to edit said modification information. (see Cheng col. 9, lines 32-42: where GUI to examine installation data)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eylon to enable a user interface for the examination of installation modifications as taught by Cheng. One of ordinary skill in the art would be motivated to employ Cheng in order to efficiently enable an automatic update and usage of diverse software products for multiple clients within a network environment. (see Cheng col. 1, lines 11-15: " ... *systems and methods for computer-based customer support ... systems, methods, and to products for automatically updating software products from diverse software vendors on a plurality of end-user, client computer systems ...* ")

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-

3920. The examiner can normally be reached on 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KHS
Kyung H Shin

Patent Examiner
Art Unit 2143

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KHS
June 2, 2006

JEFFREY PWU
PRIMARY EXAMINER